

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DELBERT E. HARRIS,

Plaintiff,

v.

JOHN DOES, 8 Unknown Omaha  
Police Officers & All persons in  
active concert & participation with  
them,

Defendants.

CASE NO. 8:08CV284

MEMORANDUM  
AND ORDER

This matter is before the court on its own motion. On November 25, 2008, the court conducted an initial review of the Complaint and determined that Plaintiff's claims were not properly brought as an action pursuant to [42 U.S.C. § 1983](#). (Filing No. [6](#).) However, the court permitted Plaintiff the opportunity to request that the court treat his Complaint as a Motion filed pursuant to [28 U.S.C. § 2255](#). (*Id.*) The court warned Petitioner that if he failed "to respond, in accordance with this Memorandum and Order, this matter will be dismissed without prejudice." (*Id.* at CM/ECF p. 4.) Petitioner has not filed a response to the court's previous Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 23<sup>rd</sup> day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge